

## SEVENTH DAY

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Legislative Chamber, Lincoln, Nebraska,  
Tuesday, January 9, 1940.

The Legislature met at 10:00 a. m. Speaker Diers presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Doyle and Carsten, who were excused on account of illness.

The Journal for the Sixth Day was approved.

### Communication

A letter was read from Mrs. Jay Hastings of Osceola, Nebraska, acknowledging receipt of Legislative Resolution No. 1 in memory of her husband, and expressing her appreciation of the same.

### Invitation

In behalf of the Chamber of Commerce of Falls City and the Chamber of Commerce of Lincoln, Mr. Reavis extended an invitation to the Members of the Legislature, the Lieutenant Governor and the officers of the Legislature to go to Falls City on Wednesday, January 10, to visit the oil well near there and attend a dinner given by the Falls City Chamber of Commerce.

In behalf of the Members, Speaker Diers accepted the invitation.

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL NO. 6.** Placed on Select File.

**LEGISLATIVE BILL NO. 8.** Placed on Select File with amendments.

E and R amendments to L. B. No. 8:

I. Amend General File amendment by Senator Diers, adopted by the Legislature, January 8, 1940, by striking therefrom the figures "\$266,400.00" and insert in lieu thereof "\$266,400.00"; and strike the words and figures "estimated \$8,613,600.00" and insert in lieu thereof the words and figures "estimated \$8,613,600.00".

**LEGISLATIVE BILL NO. 4.** Correctly engrossed.

(Signed) Craven, Chairman.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION NO. 4.** Mr. Schultz moved its adoption.

Mr. Van Diest requested that his name be withdrawn from the resolution. No objection raised; so ordered.

Mr. Schultz requested that Mr. Brodecky's name be added. With Mr. Brodecky's consent, it was so ordered.

The resolution was adopted with 29 ayes, 2 nays, 12 not voting.

### SELECT FILE

**LEGISLATIVE BILL NO. 2.** E and R amendments as found in the Legislative Journal for the Sixth Day were adopted.

Referred to E and R for engrossment.

**LEGISLATIVE BILL NO. 7.** E and R amendments as found in the Legislative Journal for the Sixth Day were adopted.

Referred to E and R for engrossment.

**LEGISLATIVE BILL NO. 6.** No E and R amendments offered.

Referred to E and R for engrossment.

**LEGISLATIVE BILL NO. 8.** E and R amendments as found in this day's Legislative Journal were adopted.

## GENERAL FILE

**LEGISLATIVE BILL NO. 3.** Vote was taken on the Garber amendment offered on the sixth day.

The amendment was not adopted.

The following amendments were offered by Mr. Ashmore:

Amend L. B. 3 in Sec. 1, line 6 by striking the words "other than that", and in Sec. 2, line 6, by striking the words "other than that", and in Sec. 3 line 6, "other than that".

Record vote was requested.

Voting in the affirmative, 18:

Adams, E. A.	Gutoski	Mischke	Reavis
Adams, J. Jr.	Herrick	Murphy	Schultz
Ashmore	Howard	Neubauer	Thomas, Amos
Brady	Johnston	Norman	Tvrdik
Garber	Klaver		

Voting in the negative, 22:

Brodecky	Gross	Mueller	Thomas, Ray
Callan	Hall	Peterson	Thornton
Carlson	Johnson	Reed	Van Diest
Craven	Lambert	Rossiter	Von Seggern
Dunn	Mekota	Sorrell	Westley
Gantz	Miller		

Not voting, 3:

Carsten	Diers	Doyle
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The amendment was not adopted.

Mr. Reavis offered the following amendments, which were adopted:

Sec. 1, line 7, strike out the words "seventy-five dollars" and insert in lieu thereof the words "fifty dollars".

Sec. 2, line 7, strike out the words "seventy-five dollars" and insert in lieu thereof the words "fifty dollars".

Sec. 3, line 8, strike out the words "sixty dollars" and insert in lieu thereof the words "forty dollars".

Referred to E and R for review.

**LEGISLATIVE BILL NO. 1.** The Clerk read an opinion from the Attorney General, addressed to Speaker Diers, in regard to L. B. No. 1.

Passed over, on motion by Mr. Hall.

#### Recess

At 11:54 a. m. on motion by Mr. Brady the Legislature recessed until 2:00 p. m.

#### After Recess

At 2:00 p. m. the Legislature reconvened, President Johnson presiding.

The roll was called and all members were present except Messrs. Carsten, Doyle and Dunn who were excused.

#### GENERAL FILE

**LEGISLATIVE BILL NO. 1.** The following amendment was offered by Mr. Garber:

1. Strike out all of section 1 and substitute in lieu thereof the following:

There is hereby appropriated to the State Assistance Fund; in addition to the sum of \$8,400,000.00 heretofore appropriated in Section 50, Legislative Bill No. 521, Fifty-Third Session, 1939, the estimated sum of \$480,000.00; being all the revenues arising under Legislative Bill No. 492, Fifty-Third Session, and from the 20% gasoline tax fund arising under Section 3 Legislative Bill No. 235, Fifty-Third Session and from the proceeds of excise and estate taxes levied under Section 77-2306 Compiled Statutes, Supplement 1937,, and from proceeds of all head taxes collected under Section 68-284 Compiled Statutes, Supplement 1937, and from any unexpected balances for the biennium ending June 30, 1939, in the State Assistance Fund in excess of the sum of \$8,400,000.00 heretofore appropriated by Section 50, Legislative Bill No. 521, Fifty-Third Session 1939; to be expended, under the direction of the Board of Control, solely for old age assistance and aid to dependent children during the months of January, February and March of 1940 and during the month of December 1940 and January, February and March 1941. It is intention of the Legislature that the funds hereby appropriated shall be devoted to increase in allowance for old age assistance and aid to dependent children during the winter months subject to the provision and limitations of general law upon said subject.

2. Strike out Sections 2, 3, 4, and 5.

3. Amend the title by striking out the words: "To amend Section 68-260 Compiled Statutes, Supplement 1939, and to repeal said original sections."

**Mr. Von Seggern presiding.**

The Clerk read an opinion from the Attorney General, dated January 9, 1940, addressed to Speaker Diers, regarding L. B. No. 1 and L. B. No. 8.

**President Johnson presiding.**

After discussion, Mr. Callan moved to postpone consideration of L. B. No. 1 until Wednesday, January 10 at 10:00 a. m.

The question was stated and the Chair announced the motion was lost

Mr. Mueller appealed from the decision of the Chair.

The President put the question "Shall the Chair be sustained?"

The vote thereon was 14 ayes, 21 nays, 8 not voting, and the Chair was overruled.

A machine vote was taken on Mr. Callan's motion and the same prevailed with 20 ayes, 16 nays, 7 not voting.

#### **Request to Take Up Select File**

Mr. Diers asked unanimous consent to consider L. B. No. 8 on Select File.

No objection was raised.

#### **SELECT FILE**

#### **LEGISLATIVE BILL NO. 8.**

At 3:45 p. m. the Chair declared the Legislature at ease.

At 4:00 p. m. the President called the Legislature to order.

Speaker Diers asked that the following amendment be adopted by unanimous consent:

Amend L. B. No. 8 as follows: strike in line 22 the words and parenthesis (Aud. Acct. No. 352 A) and the figures "6,546,900.00" and insert after the word "estimated" the figures 7,874,412.88. Strike in line 24 the figures 122,265 and insert 154,519. In lines 27 and 28, strike the figures 6,904,635.00 and insert 7,719,893.88.

No objection was raised and the amendment was adopted.

Referred to E and R for engrossment.

#### STANDING COMMITTEE REPORT

##### Enrollment and Review

LEGISLATIVE BILL NO. 5. Correctly engrossed.

(Signed) Craven, Chairman.

##### Adjournment

At 4:05 p. m. Mr. Lambert moved to adjourn.

The motion prevailed with 22 ayes, no nays, 21 not voting.

Hugo F. Srb,  
Clerk of the Legislature.